

REMARKS

By the present amendment, Applicant has amended Claims 1 and 6, and added Claim 8. Claims 1-8 remain pending in the present application. Claims 1 and 6 are independent claims.

In the recent Office Action the Examiner rejected Claims 1-7 under 35 U.S.C. § 103(a) as being unpatentable over Herbert (US 5,686,677) in view of Cipriani (US 4,951,543).

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

The patent to Herbert discloses an acoustic guitar bridge support, which is used primarily to more securely join the bridge to a guitar top. The Herbert device is used simply to hold the bridge down and help keep the bridge from being dislodged from the guitar top. The device is comprised of a cross member support bar 12 that is placed beneath the guitar top 14, and against diagonal braces or tone bars 10. Cross member support bar 12 is secured in place by nut 4 and bolt 2, which extends through bridge 16 and cross member support bar 12. Herbert indicates that string pins 20 may, or may not penetrate cross member support bar 12, but Herbert does not indicate that the string ends may be secured to cross bar 12. The patent to Cipriani shows an increased torque bridge for guitars. The Examiner refers to

Fig. 6F, which shows a means for anchoring a second end of at least one string to a string block 54, which is mounted on the underside of the sounding board 8. The Examiner believes that it would have been obvious to “modify Herbert’s instrument as taught by Cipriani to include means for anchoring the second end of the at least one string to the string block for the purpose of providing greater exertion of force on the sound board” (Office Action, p. 2, lines 17-20).

Applicant does not agree with the Examiner’s conclusion. In this regard, the Examiner indicates that it would have been obvious to modify Herbert’s “string block” (Applicant assumes that the Examiner is referring to cross member 12 of Herbert) by including means for anchoring the second end of a string thereto, as taught by Cipriani. However, cross member 12 of Herbert is not a “string block”, and is only part of a support or clamping means placed in a guitar for securing the guitar bridge, so that the bridge will not become dislodged or separated from the guitar top. While Herbert does indicate that string pins 20 can extend into cross member 12, there is no teaching or suggestion that cross member 12 should, or could be used to anchor the strings 22 thereto, and be used as a “string block”. Obviousness is tested by “what the combined teachings of the references would have suggested to those of ordinary skill in the art.” In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). But it “cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination.” ACS Hosp. Sys., Inc. v. Montefiore Hosp., 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). The teachings of references can be combined only if there is some suggestion or incentive to do so. The only suggestion for modifying Herbert with the teachings of Cipriani, as proposed by the Examiner, stems

from hindsight knowledge derived from the Applicant's own disclosure. There is no teaching, suggestion or incentive in the applied references which would have led one of ordinary skill in the art to combine the teachings of Herbert with those of Cipriani.

Further, independent Claims 1 and 6 have been amended to include limitations which are neither taught nor suggested by the patents to Herbert and Cipriani. In this regard, Claims 1 and 6 now recite that at least two of the tone bars have notches formed therein, and that the string block is attached to the notches formed in the at least two tone bars. Neither Herbert nor Cipriani teach or suggest this claimed feature of Applicant's invention.

MPEP § 2143 states: "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." There is nothing in the teachings of the relied upon prior art references which would have suggested the desirability, and thus the obviousness of the Examiner's modifications of the acoustic guitar bridge support in Herbert. Indeed, some of the modifications are not even shown in the references (e.g. at least two of the tone bars having notches formed therein, and the string block being attached to the notches formed

in the at least two tone bars). It is only by impermissible hindsight and reliance on Applicant's own disclosure that the Examiner would have been led to reconstruct the acoustic guitar bridge support of Herbert so as to derive Applicant's claimed acoustic instrument and method of stringing from the applied teachings. It is therefore Applicant's conclusion that the combined teachings of Herbert and Cipriani fail to establish a *prima facie* case of obviousness.

The prior art references made of record in the present application, but not relied upon by the Examiner in rejecting the claims, have also been carefully reviewed, however, Applicant finds nothing therein which would overcome or supply that which is lacking in the basic combination of the other applied prior art noted above.

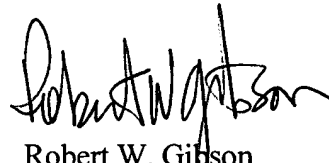
The claims in this application have been revised to more particularly define Applicant's unique construction in view of the prior art of record. Reconsideration of the claims in light of the amendments and for the above-noted reasons is respectfully requested.

Application No.: 10/726,489
Art Unit: 2837

Attorney Docket No.: 23906.00
Confirmation No.: 7533

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert W. Gibson". The signature is stylized with a large, looped initial "R" and a trailing flourish.

Robert W. Gibson
Registration No. 57,145
(703) 486-1000

RWG:dht

Attachment (Extension Petition)